



WorkSource Pierce Program Complaint Resolution Policy Handbook

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WorkForce Central is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Washington Relay Service: 711.

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Introduction

This **WorkSource Pierce Program Complaint Resolution Policy Handbook** provides procedural guidance specific to the following U.S. Department of Labor (DOL) programs:

- **WIOA Title I-B**
- **Wagner-Peyser Employment Services (ES):**
 - **Reemployment Services and Eligibility Assessment (RESEA) Program**
 - **Jobs for Veterans State Grant (JVSG) Program**
 - **Foreign Labor Certification**
 - **Migrant and Seasonal Farm Worker (MSFW)**
- **Trade Adjustment Assistance**

WorkForce Central's **WorkSource Pierce Program Complaint Resolution Policy** located on the WorkForce Central's [Policy Library](#), introduces this handbook and:

- Clarifies WorkForce Central's role overseeing the WorkSource Pierce program complaint resolution process.
- Outlines the minimum expectations for coordinating program complaints among WorkSource Pierce system partners.
- Encourages prompt and informal resolution of all customer complaints.

This handbook builds on this framework by:

- Defining the State Complaint Officer and Local System Program Complaint Coordinator Responsibilities.
- Clarifying WorkSource Pierce DOL programs' roles and responsibilities for processing program complaints and referrals.
- Providing state and federally approved procedures for processing program complaints.
- Providing example program complaint logs and program complaint forms that meet minimum federal and state requirements. *(To ensure full compliance with minimum federal and state requirements, these templates should not be modified.)*

Definitions

Concerns are a verbal or written expression of dissatisfaction. A concern does not allege a violation of a law, regulation, policy, or nondiscrimination laws. Concerns are not required to be logged or tracked and should be resolved at the lowest level possible.

Discrimination complaints allege violations of law(s) that prohibit discrimination against any

individual on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or for any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual's citizenship status, or participation in any WIOA Title I financially assisted program or activity. Washington State law also prohibits discrimination in employment and public accommodation based on citizenship or immigration status, families with children, marital status, sexual orientation honorably discharged veteran or military status, and the use of a trained guide dog or service animal by a person with a disability.

Discrimination complaints are processed in accordance with WorkForce Central's **Discrimination Complaint Policy** located at the WorkForce Central [Policy Library](#).

Local System Complaint Coordinator is the WorkForce Central designated point of contact for the Pierce County WorkSource System who is responsible for facilitating the initial complaint process, coordinating resolution for all program complaints and forwarding discrimination complaints to the WorkForce Central Equal Opportunity Officer or State-Level Equal Opportunity Officer for processing. The Local System Complaint Coordinator is responsible for logging and tracking program complaints across all core, required, and additional partner programs; providing WDA-wide complaint log and/or summary level complaint data to the State Program Complaint Officer or local workforce development board and/or One-Stop Operators; and refers program complaints that are received to corresponding program complaint representatives within 24 hours of receipt of a complaint.

Local System Complaint Coordinator contact information:

Debbie Lean
3640 S. Cedar St. Ste. E.
Tacoma, WA 98409
dlean@workforce-central.org

Program complaints are written, signed allegation that falls under the jurisdiction of a core, required, or additional program partner as defined in the accompanying WorkSource Pierce Program Complaint Resolution Policy Handbook. It alleges a violation of a law, regulation or policy related to these programs but does not involve discrimination. Program complaints must be filed within one year of the incident with the exception of Wagner-Peyser program complaints which must be filed within two years of the incident.

Program Complaint Representatives are designated program staff responsible for processing initial complaints associated with their program. A program complaint representative may also be designated by the One-Stop Operator who initially assists all customers interested in filing a complaint at a local WorkSource office and determines partner program's compliant jurisdiction.

State Complaint Officer is responsible for processing to resolution unresolved local program complaints elevated to the State on appeal; referring to local system complaint coordinators and appropriate program complaint representatives within 48 hours all program complaints lodged with the State that have not first been addressed locally; and gathers workforce development area-level complaint statistics from local System Complaint Coordinators to provide statewide, summary level statistics to the Governor and/or state workforce development board.

State Program Complaint Officer contact information:

State Program Complaint Officer
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046
ESDGPStateComplaintOfficer@esd.wa.gov

Accommodations

Customers with disabilities must be provided upon request and at no cost to them, appropriate accommodations, auxiliary aids, and services to file their program concern or program complaint. Customers who are limited English proficient must be provided upon request and at no cost to them, language assistance services, including oral interpretation and/or written translation to file their concern or complaint (29 CFR Part 38).

Confidentiality

The identity of a complainant(s) or any person who furnishes information related to or who has assisted in an investigation of a program complaint will be kept confidential to the maximum extent possible consistent with applicable law and a fair determination of the complaint. The identity of a complainant may only be released upon written consent of the individuals furnishing information regarding the complaint.

Program Complaint Posters

All comprehensive, affiliate and specialized WorkSource centers must display two complaint-related posters in an area that is conspicuous and readily visible to the public:

- The [WorkSource complaint poster](#) that cites the Local Complaint System Coordinator as the point of contact.
- The U.S. Department of Labor-mandated Wagner-Peyser complaint poster that cites the ESD WorkSource administrator and State Monitor Advocate in accordance with [TEN 08-23](#).

Program Complaint Procedures

WIOA Title I-B Program Complaint Procedures

Purpose

To establish minimum requirements for resolving program complaints alleging a violation of WIOA Title I-B regulations, grants, or other agreements under WIOA Title I-B.

WIOA Specific Program Complaint Definitions

Complainant – An individual, organization, association, or other entity filing a complaint.

Local Hearing – The process by which a local area, through an impartial hearing officer, reaches a determination in an attempt to resolve a WIOA Title I-B program complaint **within 60 calendar days** from the date of complaint submission. For all intents and purposes, the local hearing is the formal resolution process prescribed by WIOA for program complaints, but complaints can be resolved prior to and in lieu of a local hearing.

Local Hearing Officer - An impartial officer responsible for conducting a hearing. Impartial officers will not be directly connected to the allegations or potentially affected by the results of the determination(s).

Program Complaint (WIOA Title I-B) – The submission of a written and signed allegation that WIOA Title I-B funded programs/partners violated WIOA Title I-B regulations. The Program Complaint Form (available in [English](#) and [Spanish](#)) may be used; however, at a minimum, program complaints must contain the following information:

- Complainant’s name
- Mailing address or other means by which the complainant may be contacted
- Identification of individual(s) or organization(s) responsible for the alleged issue
- A description of the complainant’s allegations, which must include enough detail to determine the jurisdiction of the complaint and the date(s) the alleged incident(s) occurred.
- The complainant’s or their authorized representative’s written or electronic signature and signature date.

Program Complaint Representative – LWDB Director or designated staff assigned to process WIOA Title I B program complaints according to the procedural requirements contained in this section.

Informing Participants of WIOA Title I-B Program Complaint Procedures

Information and instructions for the local WIOA Title I-B complaint procedures must be made available to WIOA Title I-B participants and other interested parties in the WorkSource System upon request.

Individuals participating in WIOA Title I-B services must be provided a notice of their [right to file a program complaint](#). An acknowledgment of receipt must be signed by the participant and uploaded to the participant's WIOA Title I-B electronic participant record.

Reasonable efforts must be made to ensure WIOA Title I-B program complaint procedures are understood by everyone, including youth, individuals with limited English proficiency, and individuals with disabilities.

Local Hearings

The submission of a WIOA Title I-B program complaint is considered a complainant's hearing request. Complainants may resolve program complaints prior to a scheduled hearing. WorkForce Central will coordinate the hearing and attempt resolution within the **first 25 calendar days** of receipt of the complaint. The hearing must be completed and a determination provided **within 60 calendar days** of receipt of the program complaint.

The claimant and respondent must be notified in writing of the hearing prior to the date of the hearing. The hearing notice must be in writing and must contain the following information:

- Date of the notice, name of the complainant, and the name of the party against whom the complaint is filed.
- Date, time and place of the hearing
- Statement of the alleged violations
- Name, address, and telephone number of the contact person issuing the notice.

The hearing will be conducted according to the procedures established by WorkForce Central and a hearing determination will be provide to complainant **within 60 calendar days** from the date of complaint submission.

State-Level Appeal

An appeal may be filed with the State Complaint Officer if:

- No local decision has been reached **within 60 calendar days**, or
- Any party remains dissatisfied with the local hearing decision.

Claimants may request a state hearing by submitting a written and signed notice of appeal to:

ESDGPStateComplianceOfficer@esd.wa.gov, or

Attention: State Complaint Officer

Employment System Policy and Integrity Division
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046

Record Keeping

All records and correspondence related to program complaints will be maintained by the WorkForce Central program complaint coordinator and filed separately from any other records.

At a minimum, files will include:

- The original program complaint filed.
- Copies of all documents collected and reviewed, including all fact finding reports and interviews.
- Copies of all correspondence and agreements with involved parties.

All records regarding WIOA Title I-B program complaints and actions taken must be maintained for a period of not less than six (6) years from the final date of resolution of the complaint.

Note: While [29 CFR 97.42](#) requires a minimum three (3) year record retention schedule, WorkForce Central's record retention requirements for WIOA title I-B program complaints is six (6) years.

Program Complaint Log

All WorkSource Pierce centers and affiliates must maintain a system for logging WIOA Title I-B program complaints and for maintaining confidentiality of complaint information. All actions taken related to receipt, referral, or disposition of each program complaint must be recorded in a [program complaint log](#).

If the program complaint representative receives a discrimination complaint, they will log it as follows and then forward the complaint to the WorkForce Central program complaint coordinator, the local Equal Opportunity (EO) Officer and/or the State-Level EO Officer:

- Name and address of the complainant
- Basis of the discrimination complaint
- Description of the complaint
- Date the complaint was filed
- Disposition and date
- Any other pertinent information.

Access to the program complaint log must be limited to the local system complaint coordinator and the local EO officer.

Binding Arbitration

Complaints will be processed through a binding arbitration procedure if a collective bargaining agreement covering the parties to the complaint so provides.

References

- 20 CFR Part 683 Subpart F – Grievance Procedures, Complaints, and State Appeals Processes
- 29 CFR 97.42 – Retention and Access Requirements for Records
- 29 CFR 95.53 – Retention and Access Requirements for Records

Wagner-Peyser Program Complaint Procedures

Purpose

To establish minimum requirements for accepting, fact-finding, resolving, and referring program customer complaints and apparent violations connected to Wagner-Peyser funded services.

Note: The **Reemployment Services and Eligibility Assessment (RESEA) Program** and the **Jobs for Veterans State Grant (JVSG) Program** follow the same program complaint procedures outlined here for Wagner-Peyser programs.

Wagner-Peyser Specific Program Complaint Definitions

Apparent Violation – An apparent violation of Wagner-Peyser regulations or employment-related laws by an employer, where an employee or ESD representative observes, has reason to believe, or has received information regarding a suspected violation. If the employer has posted on the agency’s “WorkSource Washington” website within the past 12 months, the appropriate program complaint contact must attempt to resolve the apparent violation. If the employer has not posted on the agency’s website within the last 12 months, the apparent violation of employment-related law must be referred to the appropriate enforcement agency.

Complainant – an individual, organization, employer, association, or other entity filing a program complaint. All correspondence must be in the complainant’s preferred language.

Program Complaint (Wagner-Peyser) – The submission of a written and signed allegation that Wagner-Peyser (employment service) funded programs or partners violated Wagner-Peyser regulations, or an allegation that an employer violated federal, state or local employment related laws. At a minimum, program complaints must contain the following information:

- Complainant’s name
- Mailing address or other means by which the complainant may be contacted

- Identification of individual(s) or organization(s) responsible for the alleged issue
- A description of the complainant’s allegations, which must include enough detail to determine the jurisdiction of the complaint and the date(s) the alleged incident(s) occurred.
- The complainant’s or their authorized representative’s written or electronic signature and signature date.

Complaint regarding an employment-related law – A complaint that alleges a violation of employment related laws associated with the employment relationship such as those enforced by other federal, state, or local agencies unrelated to Wagner-Peyser Employment Service (ES) regulations.

Complaint regarding the Employment Service (ESD) regulations – an ES complaint may be an agency-related complaint or an employer-related complaint. ES complaints must be filed within two (2) years of the alleged violation.

- *Agency-related complaint* - complainant alleges ESD or a WorkSource partner, through actions or omissions, violated Wagner-Peyser regulations.
- *Employer-related complaint* – a complaint against an employer about a specific job to which the applicant was referred to by WorkSource alleging:
 - The employer violated the terms and conditions of the job posting, or
 - The employer violated an employment-related law such as wages, working conditions, child labor laws, sanitation, or housing standards, etc.

Determination – A written record of the results of an investigation, the conclusions reached on the allegations for the program complaint, and how the complaint was resolved. If the complaint is against ESD, the determination includes an opportunity for the complainant to provide a written request for a hearing within 20 business days after the certified date of receipt of the notification.

Employment-related laws – Laws that related to the employment relationship, such as those enforced by the Department of Labor’s Wage and Hour Division (WHD), Occupational Safety and Health Administration (OSHA), or other federal, state or local agencies.

Employment Service (ES) regulations – Federal regulations at 20 CFR Parts 651, 653, 654, 658, and 29 CFR Part 75.

Enforcement Agency – a body sanctioned by local, state, or federal government to enforce laws, such as the WA State Department of Labor and Industries (L&I), WA State Department of Labor’s Wage & Hour Division, or the WA State Human Rights Commission, etc.

H-2A Program – A federal program that permits agricultural employers to temporarily hire foreign workers during a labor shortage.

H-2B Program – A federal program that permits non-agricultural employers to temporarily hire foreign workers during a labor shortage.

Migrant Farmworker – a seasonal farmworker (as defined in this section) who travels to the job site and is not reasonably able to return to their permanent residence within the same day.

Migrant Seasonal Farmworker (MSFW) – a migrant farmworker or a seasonal farmworker.

Program Complaint Representative – Workforce Services Division (WSD) Regional Director or designated local staff assigned to process program complaints according to procedural requirements contained in this section of the Handbook (Wagner-Peyser Program Complaint Procedures).

Resolution – A program complaint is considered resolved when:

- The complainant indicates satisfaction with the resolution.
- The complainant chooses not to elevate a complaint to the next level.
- The complainant fails to respond to a written request for information within time frames.
- The complainant exhausts the final level of review.
- The agency with jurisdiction makes a final determination on a referred complaint.

Note: If a complainant or a complainant’s representative fails to respond within the specified time frames, the complainant or the complainant’s representative may reopen the case within one year after it has been closed.

Respondent – The individual or entity that is alleged to have committed the violation described in the complaint.

Seasonal Farmworker – an individual who is employed or was employed in the past 12 months, in farmwork or a seasonal or other temporary nature and is not required to be absent overnight from their permanent place of residence.

Program Complaint Representative Availability

A locally designated and trained Wagner-Peyser program complaint contact must be available to receive complaints regarding both ES regulations and complaints regarding employment law, in person, at all WorkSource centers and affiliates where Wagner-Peyser funded staff are located.

Apparent Violations

All apparent violations must be reported to a local program complaint representative. The program complaint representative in conjunction with the WorkSource office administrator, must determine if there is enough information to suggest a violation of Wagner-Peyser (i.e., ES) regulations or employment related law occurred. If that is the case, the relevant complaint

procedures must be followed and the violation must be logged.

Program Complaints Received in Person

The following steps must be taken when a program complaint is filed in person:

- Offer to explain the process for filing a complaint and offer to accept a complaint in writing. It is recommended but not required that complainants use the Program Complaint Form (available in [English](#) and [Spanish](#)) or the federally approved [ETA 8429, Complaint/Apparent Violation Form](#). If the complainant represents several other complainants, all complainants must be named, however, only one signature is required from a complainant listed on the form. An additional sheet may be attached to the form if more space is needed. The additional sheet must be signed and dated by the complainant or the complainant's representative.
- Obtain all necessary information to resolve or refer the complaint.
- If a complaint is filed by an MSFW, ask the complainant to contact WorkSource before leaving the area in order to obtain change of address information. If the complaint is not resolved at the lowest level possible, the complainant will also be advised to maintain communication with the program complaint representative during the fact-finding.
- Provide the complainant and any other complainants named on the form with a copy of the completed complaint form as confirmation of receipt.
- Process as a complaint regarding ES regulations or a complaint regarding an employment-related law, depending on the jurisdiction.

Program Complaints Received in Writing

When a written complaint is received in any form, such as letter or email, and is signed by the complainant, or the complainant's representative, and includes sufficient information to initiate processing, the document must be treated as if it were a properly completed Complaint Form filed in person by the complainant, and processed as a complaint regarding ES regulations or as a complaint regarding an employment-related law. Confirmation of receipt must be provided to the complainant via hard copy mailing or email.

If the complainant has not provided sufficient information to process the complaint, a written request for that information will be sent via certified mail or through some other form of communication where receipt can be verified. All non-MSFW complainants are allowed **20 working days** from the date of receipt to respond to a written request for additional information. If a complainant does not respond, the complaint will be considered closed.

Processing ES (Agency) and Employer-Related ES Complaints

The local Wagner-Peyser program complaint representative must, at a minimum:

- Conduct fact-finding.
- Attempt to resolve the agency related complaint within **15 business days** of receiving the

complaint.

- Document all actions taken.
- If unable to resolve the complaint within **15 business days**, the complaint contact will elevate the complaint to ESD's [State Complaint Officer](#). The referral will be made in writing and contain a summary of the local determination made regarding the complaint. The local complaint contact must inform the complainant and the respondent in writing, via mail or email, of the referral action made to the state.

The state complaint contact will:

- The state complaint contact must attempt to resolve the complaint or, if necessary, may conduct additional fact-finding. If a resolution has not been achieved **within 30 business days** from the date of referral, the state will issue a written determination via certified mail and may provide copies via email.
- Complainants may request a hearing if they remain unsatisfied after a determination has been issued by the state. Hearings will be scheduled in accordance with [20 CFR 658.417](#).

Processing Employment Law Complaints

All program complaints alleging an employment-related law violation filed by a non-MSFW, the Wagner-Peyser program complaint representative must assist the individual by referring the complaint to the appropriate enforcement agency in writing. All complaints regarding an employment related law that are referred to an enforcement agency must be logged. No follow-up is required on referrals made to an enforcement agency on complaints regarding employment-related laws unless the complainant is an [Migrant and Seasonal Farm Worker \(MSFW\)](#).

Out-of-Area ES Complaints

Complaints regarding allegations that occurred in another part of WA State must be referred to the local ESD administrator where the alleged violation of ES regulations occurred.

If a WorkSource center or affiliate receives a complaint against more than one site, with an alleged agency-wide violation of ES regulations, the complaint may be initially processed at the state level. Such complaints must be forwarded to [State Complaint Officer](#) for appropriate processing.

Foreign Labor Certification (H-2A and H-2B) Complaints

All H-2A and H-2B related complaints, whether received from workers referred through WorkSource or otherwise, are considered ES complaints and follow ES program complaint procedures. If a complainant files a complaint against the H-2A or H-2B employer alleging the employer did not comply with recruitment requirements or contractual terms, the complaint will be processed as an ES Complaint against the employer (see [Processing Employment Law Complaints](#)). H-2A complaints filed with the Wagner-Peyser program complaint representative

will be forwarded to Agricultural and Seasonal Workforce Services (ASWS) at H2Ahelp@esd.wa.gov.

Migrant and Seasonal Farm Worker (MSFW) Complaints

All MSFW complaints and apparent violations must be handled according to the type of allegation and situations described in previous sections, with the following exceptions:

- For ES, apparent violations and employment related law complaints, resolution must be attempted at the local level and within **five (5) business days**, except when the Wagner-Peyser program complaint representative determines such attempts may be detrimental to a complainant or the complaint may be an allegation of discrimination. In such instances, the program complaint representative must either immediately refer the complaint to the appropriate enforcement agency or to the Local Equal Opportunity (EO) Officer or the State-level EO Officer, as appropriate.
- If employment-related law complaints are not resolved within **five (5) business days**, the Wagner-Peyser program complaint representative must refer the complaint to the appropriate enforcement agency (or another public agency, a legal aid organization, or a consumer advocate organization as appropriate) for further assistance.
- If ES complaints are not resolved within **five (5) business days**, the Wagner-Peyser program complaint representative must send the complaint to the State Level Complaint Officer for resolution or further action.
- All complainants, should they be interested, must be offered the full array of employment services available at the WorkSource Center.
- MSFW complaints referred to the state level must be sent to the State Program Complaint System Representative and the MSFW complainant must be provided [the State Level Complaint Officer's contact information](#).
- MSFWs will be given up to 40 business days from the date of receipt to respond to written requests for additional information as described in 20 CFR 658.411(e).

Requests for Additional Information

If the Wagner-Peyser program complaint representative is unable to speak to a complainant to obtain additional information as part of the resolution process, a written request for that information will be sent via certified mail or through some other form of written communication where receipt can be verified. Non-MSFW complainants are allowed **20 business days** and MSFW complainants are allowed **40 business days** from the date of receipt to respond to a written request for additional information. If a complainant does not respond, the complaint will be considered closed.

Record Keeping

All records and correspondence related to Wagner-Peyser program complaints will be

maintained by the Wagner-Peyser program complaint representative and kept separately from any other records. Such records must be maintained for period of not less than **three (3) years** from the final date of resolution of the complaint in alignment with [29 CFR 97.42](#). At a minimum, complaint files will include:

- Original completed complaint forms.
- Original correspondence received and transmitted.
- Record of pertinent telephone calls.
- Copies of email communications, when applicable.
- Copies of written or typed notes.
- Miscellaneous items relevant to the allegations such as copies of check stubs, work agreements, etc.

Complaint Log

All WorkSource Pierce centers and affiliates must maintain a system for logging Wagner-Peyser program complaints and for maintaining confidentiality of complaint information. All actions taken related to receipt, referral, or disposition of each program complaint must be recorded in a [program complaint log](#). At a minimum, the complaint log must contain:

- The name of the complainant.
- The name of the respondent (employer or state agency)
- The date the complaint is filed.
- Whether the complaint is by or on behalf of an MSFW.
- Whether the complaint pertains to ES regulations.
- If the complaint pertains to ES regulations, whether it is employer-related or agency-related.
- If the complaint alleges an employment-related law violation against an employer, the enforcement agency to which the referral was made.
- The action taken and whether the complaint has been resolved.

If the Wagner-Peyser program complaint representative receives a discrimination complaint, they will log it as follows and then forward the complaint to the local EO Officer and/or the State-Level EO Officer:

- Name and address of the complainant.
- The basis of the discrimination complaint.
- A description of the complaint.
- The date the complaint was filed.
- The disposition (*status of the complaint*) and date.
- Any other pertinent information.

Access to the complaint log must be limited to the Wagner-Peyser program complaint representative, local system complaint coordinator and the local EO Officer.

Within **one month** of the end of a calendar quarter, the Wagner-Peyser program complaint representative must provide the State Monitor Advocate an electronic copy of all complaints logged during that quarter.

Elevating Complaints to the State

Wagner-Peyser program complaints must be elevated to the State for resolution or further action if:

- No decision or resolution has been reached within **15 business days for non-MSFWs** and **5 business days for MSFWs** of the filing of an ES complaint against the agency.
- No decision or resolution has been reached within **15 business days for non-MSFWs** and **5 business days for MSFWs** of the filing of an ES complaint against an employer.
- An ES complaint is made against more than one WorkSource center or affiliate with an alleged agency-wide violation. Or,
- A complaint is made against a respondent from another state.

To elevate a **non-MSFW complaint**, the program complaint representative must submit the complaint to the state complaint officer at:

ESDGPStateComplaintOfficer@esd.wa.gov, or

Attention: State Complaint Officer
Employment System Policy and Integrity Division
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046

To elevate an **MSFW complaint**, the program complaint representative must email the complaint to ESDGPMonitorAdvocate@esd.wa.gov.

Discontinuation of Services to Employers

When applicable, ESD will initiate discontinuation of services to employer consistent with 20 CFR 658 Subpart F ([658.501](#)) and [Wagner-Peyser Employment System Policy 4060](#).

References

- 20 CFR 658 subpart E – Employment Service (ES) and Employment-Related Law Complaint System
- 20 CFR 658 Subpart F – Discontinuation of Services to Employers by the Wagner-Peyser Act Employment Service
- 20 CFR 653.113 – Apparent Violations
- 20 CFR 653.503 – Field Checks

- 29 CFR 97.42 – Retention and Access Requirements for Records

Trade Adjustment Assistance (TAA) Program Complaint

Purpose

To establish minimum requirements for customer service program complaints related to all TAA program service providers.

TAA Specific Program Complaint Definitions

Complaint (TAA) – The submission of a written complaint and signed allegation that TAA funded service providers violated TAA regulations. At a minimum, TAA program complaints must contain the following information:

- Complainant’s name
- Mailing address or other means by which the complainant may be contacted.
- Identification of individual(s) or organization(s) responsible for the alleged issue.
- A description of the complainant’s allegations, which must include enough detail to determine the jurisdiction of the complaint and date(s) the alleged incident(s) took place.
- The complainant’s (or their authorized representative) written or electronic signature and signature date.

Program Complaint Representative – WSD Regional Director or designated local staff assigned to process program complaints according to procedural requirements contained in this section.

Complaints Received in Person

If an individual elects to file a TAA program complaint, offer to assist the complainant with filing a complaint. It is recommended, but not required, that complainants use the Program Complaint Form (available in [English](#) and [Spanish](#)). Provide the complainant and any other complainants identified on the complaint with a completed copy of the complaint form. Follow the procedures for handling TAA complaints.

Complaints Received in Writing

When a complaint in any form, such as a letter, is received that is signed by the complainant and includes sufficient information to initiate processing, the document must be treated and processed as if it were a properly completed Complaint Form filed in person by the complainant.

If the complainant has not provided sufficient information, additional information must be requested in alignment with the procedures outlined in this section.

Processing TAA Program Complaints

The local TAA program complaint representative must, at a minimum:

- Conduct fact-finding.
- Attempt to resolve the agency related complaint within **15 business days** of receiving the complaint.
- Document all actions taken.
- If unable to resolve the complaint within **15 business days**, the TAA complaint representative will elevate the complaint to ESD's [State Complaint Officer](#). The referral will be made in writing and contain a summary of the local determination made regarding the complaint. The local complaint contact must inform the complainant and the respondent in writing, via mail or email, of the referral action made to the state.
- The State Complaint Officer must attempt to resolve the complaint or, if necessary, may conduct additional fact-finding. If a resolution has not been achieved **within 30 business days** from the date of referral, the state will issue a written determination via certified mail and may provide copies via email.

Complainants may request a hearing if they remain unsatisfied after a determination has been issued by the state. Hearings will be scheduled in accordance with [20 CFR 658.417](#)

Requests for Additional Information

If the TAA program complaint representative is unable to speak to a complainant to obtain additional information as part of the resolution process, a written request for that information will be sent via certified mail or through some other form of written communication where receipt can be verified. All TAA complainants are allowed 20 business days from the date of receipt to respond to a written request for additional information. If a complainant does not respond, the complaint will be considered closed.

Record Keeping

Record Keeping

All records and correspondence related to TAA program complaints will be maintained by the TAA program complaint representative and kept separately from any other records. Such records must be maintained for period of not less than **three (3) years** from the final date of resolution of the complaint in alignment with [29 CFR 97.42](#). At a minimum, complaint files will include:

- Original completed complaint forms.
- Original correspondence received and transmitted.
- Record of pertinent telephone calls.
- Copies of email communications, when applicable.

- Copies of written or typed notes.
- Miscellaneous items relevant to the allegations such as copies of check stubs, work agreements, etc.

Program Complaint Log

All WorkSource Pierce centers and affiliates must maintain a system for logging TAA program complaints and for maintaining confidentiality of complaint information. All actions taken related to receipt, referral, or disposition of each program complaint must be recorded in a [program complaint log](#). At a minimum, the log must contain:

- Name of the complainant.
- Name of the respondent.
- Date complaint is filed.
- Actions taken and whether the complaint has been resolved.

If the program complaint representative receives a discrimination complaint, they will log it as follows and then forward the complaint to the WorkForce Central program complaint coordinator, the local Equal Opportunity (EO) Officer and/or the State-Level EO Officer:

- Name and address of the complainant
- Basis of the discrimination complaint
- Description of the complaint
- Date the complaint was filed
- Disposition and date
- Any other pertinent information.

Access to the program complaint log must be limited to the local system complaint coordinator and the local EO officer.

Elevating Complaints to the State

TAA program complaints must be elevated to the State for resolution or further action if:

- No decision or resolution has been reached within **15 business days** of the filing of the complaint.
Or,
- The complaint is made against more than one WorkSource center or affiliate, with an alleged agency-wide violation.

Elevate a TAA program complaint to the State Complaint Officer at:

ESDGPStateComplaintOfficer@esd.wa.gov, or

Attention: State Complaint Officer

Employment System Policy and Integrity Division
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046

References

- 20 CFR 617 – Trade Adjustment Assistance Reauthorization Act of 2015
- Public Law 114-27 – Trade Act of 2015
- Training and Employment Guidance Letter (TEGL) 11-02, Change 1 and Change 2 – Trade Act of 2002
- TEGL 22-08 and Change 1 – Trade and Globalization Adjustment Assistance Act of 2009
- 20 CFR 658 Subpart E – Employment Service and Employment-Related Law Complaint System
- 20 CFR 683.600(c)(1) – Requirement for Process Dealing with Complaints
- 29 CFR 97.42 – Retention and Access Requirements for Records

Example Program Complaint Tools

- [Program Complaint Log](#)
- [Summary of Rights and Procedures Form](#)
- [Program Complaint Form - English](#) (sufficient for Wagner-Peyser, TAA, and WIOA complaints)
- [Program Complaint Form – Spanish](#) (sufficient for Wagner-Peyser, TAA, and WIOA complaints)

WorkForce Central is an equal opportunity employer/program. Auxiliary aids and services are available upon request for individuals with disabilities. Washington Relay Service – 711.